

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JOSHUA MIRABAL,

Defendant.

JOSHUA MIRABAL,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 18/22/22
DATE FILED: 18/22/22

ORDER

16 Cr. 272 (VM)

22 Civ. 3377 (VM)

VICTOR MARRERO, United States District Judge.

On August 28, 2022, the defendant-petitioner Joshua Mirabal ("Mirabal") filed a motion for compassionate release pursuant to 18 U.S.C. § 3582. (See Cr. Dkt. No. 651; Civ. Dkt. No. 10.) The Court directed the Clerk of Court to file the Brief on the dockets: 16 Cr. 272 and 22 Civ. 3377. (See Cr. Dkt. No. 651; Civ. Dkt. No. 10.) However, the Court directed that access to the motion be restricted to the Government, the defense, and the Court, because Mirabal attached portions of his and his mother's medical records.

Separately, on May 19, 2022, the Court granted Mirabal an extension to file a brief in further support of his motion pursuant to 28 U.S.C. § 2255 ("Section 2255"). (See Cr. Dkt. No. 634; Civ.

Dkt. No. 6.) The Court further directed the Government to respond within 60 days of Mirabal filing the brief in support of his Section 2255 motion. (See Cr. Dkt. No. 634; Civ. Dkt. No. 6.) On June 16, 2022, the Court received and docketed Mirabal's brief, but had the submission restricted to the Government, the defense, and the Court because Mirabal attached portions of his Presentence Investigation Report, which is under seal. (See Cr. Dkt. No. 640; Civ. Dkt. No. 7.) In turn, the deadline for the Government to respond to Mirabal's Section 2255 motion was August 15, 2022. However, the Government has not yet filed its response.

Accordingly, it is hereby

ORDERED that within 30 days of this order, the Government shall respond to the motion for compassionate release, pursuant to 18 U.S.C. § 3582, submitted by defendant-petitioner Joshua Mirabal ("Mirabal"); and it is further

ORDERED that within 7 days of this order, the Government shall notify the Court regarding why it did not file a response to Mirabal's Section 2255 motion by August 15, 2022, and when the Government anticipates filing its response.

SO ORDERED.

Dated: August 22, 2022
New York, New York



Victor Marrero
U.S.D.J.